UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,837	07/09/2001	Mark R. Walker	P 279167 P11162	4039

27496	7590	05/18/2005

PILLSBURY WINTHROP SHAW PITTMAN LLP
725 S. FIGUEROA STREET
SUITE 2800
LOS ANGELES, CA 90017

EXAMINER
DINH, MINH

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/899,837	WALKER, MARK R.
	Examiner	Art Unit
	Minh Dinh	2132

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 February 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-5,7-10 and 27-30* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *2-5, 7-10 and 27-30* is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 February 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the amendment filed 02/28/2005. Claims 2-5 and 7-10 have been amended; claims 1, 6 and 11-26 have been cancelled; claims 27-30 have been added.

Response to Arguments

2.   Applicant's arguments filed 02/28/2005 with respect to claim 27 have been fully considered but they are not persuasive. Applicant's amendments have necessitated a new search and new grounds of rejection.

3.   Applicant's arguments with respect to claim 5 have been fully considered but they are not persuasive. Applicant argues that Gong ("Enclaves: Enabling Secure Collaboration Over the Internet") does not teach that the connecting member peer node cannot be connected to a same set of member peer nodes as an already connected member peer node of the plurality of member peer nodes. Gong teaches that each member is bound to a fully qualified host name and a particular port number such that the member cannot have more than one active instance within the same group (p. 570, right column, 1st par., "Once a user initiates ... within the same group"). Gong's teaching is interpreted as that a member cannot make a new connection to the same group if it is currently connecting to that group.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-10 and 29-30 are rejected under 35 U.S.C. 101. Regarding claim 29, it is not tangibly embodied as it is only software per se. It is suggested that the claimed subject matter "a computer program product including computer program code" be changed to "a computer program product stored on a computer storage medium including computer program code" (see Specification, paragraph [0040]). Claims that are not listed are rejected on the same basis as claim 29 by virtue of their dependencies.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 2-5, 7-10 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 recites the limitation "establishing a connection between the connecting member peer node and responsive nodes of the plurality of member peer nodes that successfully decrypt the encrypted key because the responsive nodes had been previously supplied with the encrypted key" in

lines 6-9. It is not clear why the responsive nodes successfully decrypt the encrypted key because the responsive nodes had been previously supplied with the encrypted key. In order to successfully decrypt an encrypted item, an entity must have the corresponding decryption key. For examination purpose, the limitation is interpreted as "establishing a connection between the connecting member peer node and responsive nodes of the plurality of member peer nodes that successfully decrypt the encrypted key because the responsive nodes had been previously supplied with a decryption key" (see Specification, paragraph [0022]). Claim 29 is rejected for the same reason. Claims that are not listed are rejected on the same basis as claims 27 and 29 by virtue of their dependencies.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 2, 7, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gong et al ("Multicast Security and Its Extension to a Mobile Environment") in view of "Gnutella Tutorial". For the "Gnutella Tutorial" reference, the examiner relies on the computer-generated translation version. When the formal translation arrives at the office, it will be mailed to the applicant.

Regarding claims 27 and 29, Gong discloses a method comprising: sending an

encrypted session key from a connecting member peer node to a plurality of member

peer nodes to connect to the plurality of peer nodes, the plurality of peer nodes

corresponding to a plurality of addresses, respectively, of a connection list of addresses

(see Security and efficient broadcast, pages 9-10); establishing a connection between

the connecting member peer node and responsive nodes of the plurality of member

peer nodes that successfully decrypt the encrypted session key because the responsive

nodes had been previously supplied with a key to decrypt the encrypted key (see

Security and efficient broadcast, pages 9-10). Gong also discloses securely

exchanging data among the nodes (see Abstract and Section 1 – Introduction). A

secure connection for exchanging data between the connecting node and a responsive

node is not established until each node can verify that the other node has the session

key. Inherently, the connecting member peer node can only verify that the responsive

node has the session key by receiving encrypted data using the session key from the

responsive node. Such encrypted data meets the limitation of an acknowledgement

from the responsive node that it has received and successfully decrypted the encrypted

session key.

Gong does not disclose updating an active connection list in the connecting

member peer node listing the responsive nodes. "Gnutella Tutorial" discloses a peer-to-

peer network in which a connecting member peer node is connecting to a plurality of

member peer nodes. "Gnutella Tutorial" further discloses a user interface at the

connecting member peer node showing an update active connection list (fig. on page 4,

gnutellaNet connections). It would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the Gong method such that a user

interface showing an update active connection list is provided at the connecting member

peer node, as taught in "Gnutella Tutorial". The motivation for doing so would have

been to provide information regarding current connections at the connecting node to the

user.

Regarding claims 2 and 7, Gong further discloses that the addresses are TCP/IP

addresses (see Section 2 – Overview of Multicast, page 4). Please see the discussion

in claims 27 and 29 above regarding the acknowledgement from the responsive nodes.

9.   Claims 3, 5, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gong ("Multicast Security") in view of "Gnutella Tutorial" as applied to claims 2, 7,

27 and 29 above, and further in view of Gong ("Enclaves: Enabling Secure

Collaboration Over the Internet").

Regarding claims 3 and 8, Gong ("Multicast Security") does not disclose

associating TCP port identifiers with the TCP/IP addresses. Gong ("Enclaves")

discloses associating TCP port identifiers with the TCP/P addresses (p. 570, right

column, 1st par., "Once a user initiates ... within the same group"). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the combined method of Gong ("Multicast Security") and "Gnutella Tutorial" to associate

TCP port identifiers with the TCP/IP addresses, as taught by Gong ("Enclaves"). The

motivation for doing so would have been that a user couldn't have more than one

instance that is active within the same group.

Regarding claims 5 and 10, Gong ("Multicast Security") does not teach that the

connecting member peer node cannot be connected to a same set of member peer

nodes as an already connected member peer node of the plurality of member peer

nodes. Gong ("Enclaves") teaches that each member is bound to a fully qualified host

name and a particular port number such that the member cannot have more than one

active instance within the same group (p. 570, right column, 1st par., "Once a user

initiates ... within the same group"). Gong's teaching is interpreted as that a member

cannot make a new connection to the same group if it is currently connecting to that

group. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combined method of Gong ("Multicast Security") and

"Gnutella Tutorial" such that a member cannot make a new connection to the same

group if it is currently connecting to that group, as taught by Gong ("Enclaves"). Please

refer to motivation recited for associating port identifiers with the TCP/IP addresses as

taught by Gong in claim 3.

10.   Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gong in view of "Gnutella Tutorial" as applied to claims 27 and 29 above, and further in

view of Waldman (WO 01/13201 A2). Gong does not disclose associating an encrypted

key with the member peer node. Waldman discloses associating an encrypted

password with each peer member; the password meets the limitation of a key (p. 5,

lines 7-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined method of Gong and "Gnutella Tutorial" to associate an encrypted key with the member peer node, as taught by Waldman. The motivation for doing so would have been that a peer node could perform authentication for other peer nodes (p. 4, lines 16-19).

11.   Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gong in view of "Gnutella Tutorial" as applied to claims 27 and 29 above, and further in view of Chatterjee et al (6,243,751). Gong does not disclose that the connecting member peer node imposes a limit on a maximum number of connections. Chatterjee discloses that a node imposes a limit on a number of simultaneous connections to that node (col. 2, line 62 – col. 3, line 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined method of Gong and "Gnutella Tutorial" such that the connecting member peer node imposes a limit on a maximum number of simultaneous connections, as taught by Chatterjee. The motivation for doing so would have been to conserve resources at the node.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Minh Dinh whose telephone number is 571-272-3802.

The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number

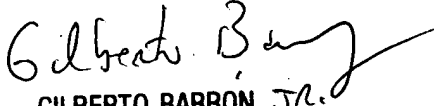for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MD

Minh Dinh
Examiner
Art Unit 2132

MD
5/13/2005

GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100